

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, MAY 7, 2002 AT 10:00 A.M.
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PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony. [19](#)

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PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, MAY 7, 2002 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at 533-5432.

ITEM-1: ROLL CALL.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

04/01/2002
04/02/2002
04/08/2002
04/09/2002

SPECIAL ORDERS OF BUSINESS

ITEM-31: Tourism Week.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1492)

Proclaiming May 6 through 12, 2002 to be "Tourism Week" in San Diego in recognition of the importance of the visitor industry to San Diego's economy and quality of life.

SPECIAL ORDERS OF BUSINESS

ITEM-32: Public Service Recognition Week, May 6 through May 12, 2002.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-1447)

Recognizing and applauding all City of San Diego employees for their outstanding service and commitment to excellence.

SPECIAL ORDERS OF BUSINESS

ITEM-33: SAY Day at the Bay 2002.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1432)

Recognizing the accomplishments of Social Advocates for Youth, SAY San Diego, and proclaiming May 11, 2002 to be "SAY Day at the Bay 2002" in the City of San Diego.

SUPPORTING INFORMATION:

Commending Social Advocates for Youth, SAY San Diego, for providing services to San Diego's children, youth and families since 1971 and recognizing their annual gathering of child care families by proclaiming May 11, 2002 to be "SAY Day at the Bay" in San Diego.

Madaffer

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue those items scheduled to be heard at this morning's session. Requests to continue items scheduled to be heard at 2:00 p.m. will be taken at the beginning of the afternoon session.

ADOPTION AGENDA, CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Item 50.

ORDINANCES TO BE INTRODUCED:

Item 51.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110 and 111.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCE INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-50: Central Core Amendments to Establish Minimum Floor Area Ratios and Building Heights.

(Centre City Redevelopment Project Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 4/22/2002. (Council voted 9-0):

(O-2002-121 Rev.)

Amending Chapter 10, Article 3, Division 19, of the San Diego Municipal Code (The Centre City Planned District Ordinance) relating to Floor Area Ratios and Height Limits.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCE TO BE INTRODUCED:

- * ITEM-51: Lease Agreement - Park It on Market North - Gaslamp Video.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2002-133)

Introduction of an Ordinance authorizing the City Manager to execute a Lease Agreement with Gary Truman d.b.a. Gaslamp Video located at 648 Market Street. The space to be leased consists of approximately 1,744 square feet of retail space. The initial rent is \$3,750 per month, commencing March 1, 2002, and terminating February 28, 2007;

Declaring that rent paid during FY02, in the amount of \$15,000, will be deposited into Fund 75606.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

Gary Truman, d.b.a. Gaslamp Video will be leasing space from the City in the Park It on Market

North building located at the Northeast corner of Sixth Avenue and Market Street known as 648 Market Street. The premises leased consists of approximately 1,744 square feet of retail space.

The tenant will be leasing the space under the following basic lease terms:

TERM - For five (5) years. The target commencement date is March 1, 2002, terminating on February 28, 2007. The tenant has the option to extend the lease for one (1) additional five (5)-year period provided the tenant is not in default.

RENT - \$3,750 per month or approximately \$2.15 per square foot. The rental rate is at market value compared to similar space in the downtown area. The base rent will be adjusted annually by a fixed 4% increase.

USE - Retail use featuring the sale and rental of videos, audio/video related products, and tanning salon services.

SIZE - Approximately 1,744 square feet.

TENANT IMPROVEMENTS - CCDC shall install the following tenant improvements at its sole cost: HVAC, electrical subpanel and outlets, one handicapped accessible unisex restroom, and a mutually agreeable allowance for lighting and flooring. The cost of the improvements will be paid out of CCDC's Fund 75606, AC #2200147.

FISCAL IMPACT:

\$15,000 will be deposited into CCDC's Fund 75606 during FY02.

Herring/Griffith/DLM

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-100: Hazard Elimination Safety Grant Application.

(See City Manager Report CMR-02-091. La Jolla, Uptown, Encanto and Kearny Mesa Community Areas. Districts-1, 3, 4 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1431)

Authorizing the City Manager to apply for a Hazard Elimination Safety Grant for the following locations: 1) Calle Del Oro at La Jolla Shores Drive, District 1, La Jolla Community, 2) Normal Street at University Avenue, District 3, Uptown Community, 3) Market Street at Merlin Drive, District 4, Encanto Community, 4) Convoy Street at

Raytheon Road, District 6, Kearny Mesa Community;

Authorizing the City Manager to take all necessary actions to secure funding from the Hazard Elimination Safety Program for Hazard Elimination Safety at four intersections;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend funds if grant funding is secured;

Authorizing the City Auditor and Comptroller to establish a special interest bearing fund for the grants;

Approving the addition of CIP-62-326.0, Intersection Hazard Elimination to the Fiscal Year 2002 Capital Improvements Program;

Approving a budget increase of \$113,400 per intersection that receives a grant up to an amount not to exceed \$453,600 in the Fiscal Year 2002 CIP Budget in CIP-62-326.0, Intersection Hazard Elimination, in the Hazard Elimination Safety Grant Fund;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$453,600 from CIP-62-326.0, Intersection Hazard Elimination, for the purpose of hazard elimination at four intersections, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer funds to the appropriate reserves provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditures are, or will be, on deposit in the City Treasury.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-101: Azalea Neighborhood Park - Tot Lot Upgrade.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1275 Cor. Copy)

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvements Program Budget to add CIP-29-585.0, Azalea Neighborhood Park - Tot Lot Upgrade, in the amount of \$200,000, as follows: \$120,000 from 2000 Park Bond Per Capita Funds, Fund No. 38183; and \$80,000 from Mid-City Park Development Fund, Fund No. 39094;

Authorizing the City Auditor and Comptroller to expend \$200,000 from CIP-29-585.0, Azalea Neighborhood Park - Tot Lot Upgrade (\$120,000 from 2000 Park Bond Per Capita Funding, Fund No. 38183, and \$80,000 from Park Service District Fees, Fund No. 39094.)

CITY MANAGER SUPPORTING INFORMATION:

On August 15, 2000, City Council adopted Resolution R-293698 authorizing the City Manager, or his representative, to secure grant funding from the State of California under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000 (Park Bond), including playground upgrades in each Council District. The City Manager has secured the grant funding and has entered into a Grant Contract for Park Bond Per Capita Funds, and a Grant Contract for Roberti-Z'berg-Harris Per Capita Funds with the State of California. In addition, the City Manager will enter into a subcontract with the State of California specifying use of \$120,000 for a Tot Lot upgrade at Azalea Neighborhood Park. This action authorizes the City Manager, or his representative, to move Park Bond funding into the Capital Improvement Project for Azalea Neighborhood Park - Tot Lot Upgrade.

By State law, all public play areas must conform to the Consumer Product Safety Commission and American Society of Testing Materials Guidelines. Additionally, play areas are to be brought into compliance with Americans with Disabilities Act Guidelines. Playground upgrades will include improvements which comply with state and federal safety and accessibility regulations.

FISCAL IMPACT:

Funds in the amount of \$200,000 are available from 2000 Park Bond Per Capita Funds, Fund No. 38183 (\$120,000); and Mid-City Park Development Fund, Fund No. 39094 (\$80,000) for this purpose.

Herring/DVW

Aud. Cert. 2201021.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-102: Two actions related to Annual Review of North City West (Carmel Valley) Facilities Master Plan.

(See City Manager Report CMR-02-092. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1321)

Accepting the 2000-2001 annual review of the North City West School Facilities Master Plan for the Carmel Valley Community.

Subitem-B: (R-2002-1458)

Approving the updated North City West School Direct Deposit Fee Schedule for Fiscal Years 2002-2010.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-103: Amendment to Consultant Services Agreement Regarding the Ballpark and Redevelopment Project, with Jacobs, Chase, Frick, Kleinkopf & Kelly, LLC.

(District-2.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1475)

Authorizing an amendment to the Retainer Agreement by and between the City of San Diego and Jacobs, Chase, Frick, Kleinkopf & Kelley, LLC, for consulting services concerning the Ballpark and Redevelopment Project by increasing the authorized amount for the Agreement by \$75,000;

Authorizing the expenditure of an amount not to exceed \$75,000 from Fund 102214, Dept. 102214, Org. No. 200, Object Account 4141, Job Order No. 000203.

SUPPORTING INFORMATION:

This action will amend the existing Jacobs, Chase, Frick, Kleinkopf & Kelley LLC, agreement for outside consultant services (by Mr. Paul Jacobs) to assist the City Attorney and City Manager regarding the Ballpark and Redevelopment Project by \$75,000 for a total agreement of \$1,117,000. Additional services from this firm will be necessary and appropriate as the project progresses and the ballpark is constructed. This contract amendment will permit the retention of Mr. Jacobs for consulting as needed during that time. Funds are available from excess funds previously allocated to the firm of Barrett Sports Group (Mr. Dan Barrett), which will also continue to be retained along with the firm of Long, Aldrich & Norman (Mr. Steve Labovitz) for consulting on an as needed basis.

Herring/Girard/JS

Aud. Cert. 2201055.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-104: First Amendment to Agreement for Sorrento Valley Trunk Sewer and Sewer Pump Station 89.

(See Memorandum from Frank Belock, Jr., dated 3/25/2002. Torrey Pines, Sorrento Valley and University City Community Areas. District-1.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1470)

Authorizing the City Manager to execute a First Amendment to Agreement with Earth Tech Inc., for additional consulting services at a cost not to exceed \$234,967 for Sorrento Valley Trunk Sewer and Sewer Pump Station 89;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$234,967 from Sewer Fund 41506 (of which \$10,761.29 is from CIP-46-072.2, Catalina Boulevard Trunk Sewer Phase 2; \$79,264.89 is from CIP-46-162.0, East Linda Vista Trunk Sewer, and \$144,940.82 is from CIP-46-199.0, West Linda Vista Trunk Sewer) to Sewer Fund 41506, CIP-46-197.0, Sorrento Valley Trunk Sewer;

Authorizing the expenditure of an amount not to exceed \$234,967 from Sewer Fund 41506, CIP-46-197.0, Sorrento Valley Trunk Sewer.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/3/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

Council authorized an agreement with Earth Tech on August 2, 1999, Document No. R-292031, to provide engineering services for the replacement of Sorrento Valley Trunk Sewer and construction of Sewer Pump Station 89.

The project is located in the Sorrento Hills, Torrey Pines, and University City community areas between Sewer Pump Station 64 and Sewer Pump Station 65. It consists of 11,000 linear feet of 18-inch, 15-inch, and 12-inch vitrified clay sewer main. Due to the deteriorated condition of the existing trunk sewer and the history of spills in the Penasquitos Lagoon, the replacement project will relocate the existing pipes outside the lagoon.

As part of the pre-design of this project, a packaged pre-fabricated pump station was proposed. During the design stage, it was determined by the project team that a conventional pump station with an emergency storage tank would be more reliable and should be installed due to the proximity to the

Penasquitos Lagoon. This requires additional consultant design and construction support services.

FISCAL IMPACT:

The total cost of this agreement is \$634,967. Of this amount, \$400,000 was previously authorized by Council Resolution No. 292031. The estimated cost for this First Amendment is \$234,967. Funds of \$234,967 are available in Sewer Fund 41506, CIP-46-197.0, Sorrento Valley Trunk Sewer, for this purpose.

Loveland/Belock/HR

Aud.Cert. 2201026.

WWF-01-537.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-105: Awarding Sewer and Water Group Job 702 and Requesting Additional Funding.

(See Memorandum from Frank Belock, Jr., dated 3/25/2002. Peninsula and Midway Community Areas. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1393)

Authorizing the City Manager to award a contract to Ortiz Corporation for Construction of Water and Sewer Group 702 in the amount of \$1,148,616.84;

Authorizing the expenditure of funds on Phase I of the Project in an amount of \$818,419, of which \$371,091.50 is from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and \$447,327.50 is from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement;

Authorizing the additional expenditure of an amount not to exceed \$100,000 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for such expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K02036C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/3/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Group Job 702 is part of the City of San Diego's continuing Annual Water and Sewer Main Replacement Program. The lowest responsible bid is \$100,000 higher than the engineer's estimate for the sewer portion of this group job and rebidding is not likely to result in a lower bid. This project includes the installation of approximately 5,130 feet of 12, 10, and 8-inch water main, and approximately 5,092 feet of 8-inch sewer main. It also includes the construction of 28 pedestrian ramps, slurry sealing, and resurfacing of the impacted City streets. The streets affected by construction operations within this project are: Chatsworth Boulevard, Alcott Street, Zola Street, Lytton Street, and Rosecrans Street. Traffic control plans have been prepared for this project and will be implemented during the construction operations. Residents will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of notices.

FISCAL IMPACT:

The total cost of this project is \$1,739,789.24. Authorizing an additional expenditure of \$100,000 from Sewer Fund 41506, CIP-44-001.0, Sewer Main Annual Allocation. This project is scheduled to be phase funded over FY02 to FY03. Funding for Phase I (FY02) is available in Sewer Fund 41506, CIP-44-001.0, Sewer Main Annual Allocation, in the amount of \$371,091.50 and in Water Fund 41500, CIP-73-083.0, Water Main Annual Allocation, in the amount of \$447,327.50 for this purpose.

Loveland/Belock/HR

Aud. 2201046.

WWF-02-583.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-106: Awarding of the Del Rey Sewer Replacement Project.

(See Frank Belock, Jr.'s 2/6/2002 memo. Pacific Beach and Mid-City Community Areas. Districts-2, 3 and 6.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-1209)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Del Rey Accelerated Sewer Main Replacement (Project) on Work Order No. 174841;

Declaring that the Project contract is awarded to Pacific Southwest Construction and Equipment, Inc., and authorizing the City Manager to execute the Project contract, in an amount not to exceed \$1,330,591;

Authorizing the additional expenditure of an amount not to exceed \$445,700.71 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(Bid-K02037)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/13/2002, NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

Del Rey Sewer Replacement Project will replace and realign approximately 2,688 linear feet of existing 30-inch vitrified clay sewer main with approximately 3,363 linear feet of new 8-inch sewer main.

This project also abandons 1,691 linear feet of existing 30-inch vitrified clay sewer main. The existing sewer mains were installed in the early 1948 and are now oversized for the amount of flow and do not provide sufficient cleansing velocities causing odor and stoppages. This project will reduce these problems and will provide a more reliable sewage collection system for the service area.

This project is in Pacific Beach and the Mid-City Community Planning Areas. In the Pacific Beach Community Planning Area, sewer main will be replaced in the area bounded by Garnet Avenue and Rosewood Street on the north and south, and Del Rey Street and Figueroa Boulevard on the east and west. In the Mid-City Community Planning Area, lateral replumbs will be installed in the area bounded by Landis Street and Roselawn Avenue on the north and south, and Euclid Avenue and Roselawn Avenue on the east and west. Additionally, this project abandons 445 linear feet of easement main. For both community areas, the City will notify residents, via mail, at least one month prior to the construction. The Contractor will also notify the residents, via hand distribution, at least ten days prior to the commencement of construction. Also, this project includes pedestrian ramps and resurfacing of impacted streets. The current contractor bid is 41% higher than the

engineering estimate. Staff believes that re-advertising the bid will not result in a lower bid.

This project is North of Mission Bay Drive, therefore, it is not subject to a construction moratorium. The work on Grand Avenue and Mission Bay Drive will be performed at night. The construction schedule was coordinated with both the Pacific Beach Planning Committee and the Pacific Beach Business Interest District.

FISCAL IMPACT:

The total estimated costs of this project is \$1,726,424.94 of which \$329,303.94 is for engineering, \$1,330,591 is for construction and \$66,530 for contingencies and related cost. Funding is available in Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement for this purpose.

Loveland/Belock/HR

Aud. Cert. 2201005.

WWF-02-577.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-107: Employee Suggestion Awards.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Authorizing Suggestion Awards to the following employees:

Subitem-A: (R-2002-1437)

Alfred Peabody - Metropolitan Wastewater Department - \$1,123.87

Subitem-B: (R-2002-1438)

Philip Leber - Fire and Life Safety Services - \$25
Gunnar Granquist - Fire and Life Safety Services - \$25

Subitem-C: (R-2002-1439)

Leonard Morrison - Metropolitan Wastewater Department - \$160
Enrico C. Layug - Metropolitan Wastewater Department - \$325.06

Subitem-D: (R-2002-1440)

Fernando Sioson - Metropolitan Wastewater Department - \$280
Bruce E. Hoover - Metropolitan Wastewater Department - \$198.90

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-108: Settlement of a Personal Injury Claim of Richard A. Carteron.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1460)

A Resolution approved by the City Council in Closed Session on Tuesday, April 2, 2002, by the following vote: not present-Peters; Wear-yea; Atkins-yea; Stevens-not present; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$50,000 in the settlement of each and every claim against the City, its agents and employees, resulting from an incident on April 11, 2002 (Superior Court Case No. GIC 760946, Richard A. Carteron v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue two checks, one in the amount of \$31,500, made payable to Richard A. Carteron and his attorney of record Frederick Schenk, and one in the amount of \$18,500, made payable to Gallagher Bassett Services in full settlement of all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of Richard A. Carteron against the City of San Diego, its agents and employees, as a result of an incident which occurred on April 11, 2000.

Lexin/Lopez/SF

Aud. Cert. 2201003.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-109: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-905)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-110: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1472)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-111: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1466)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Monarch Estates Unit No. 6

COMMUNITY AREA

Mira Mesa

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-330: American Tower Corporation: 5252 Balboa Avenue, Communication Antenna Facility.

Matter of approving, conditionally approving, modifying or denying a Conditional Use Permit (CUP) to legalize and expand an existing rooftop antenna facility on a ten-story commercial office building, and a Site Development Permit (SDP) to allow for an exception to the Clairemont Mesa Height Limit Overlay Zone for a wireless communication antenna facility located at 5252 Balboa Avenue in the Clairemont Mesa Community Plan area. The project proposes the demolition of some existing rooftop equipment and the relocation and organization of existing communication antennas. The proposed project also provides for future antenna placement and new screening material for the facility.

(See City Manager's Report CMR-02-100. 40-0322-01-CUP/SDP. Clairemont Mesa Community Plan area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to grant the permit:

(R-2002-)

Adoption of a Resolution granting or denying Conditional Use/Site Development Permit No. 40-0322-01, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on January 24, 2002, voted 5 - 0 to approve; no opposition.

Ayes: Garcia, Brown, Anderson, Lettieri, Butler
Not present: Schultz, Stryker

The Clairemont Mesa Community Planning Committee on November 20, 2001, voted 11 - 1 to recommend approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

American Tower Corporation is requesting a Conditional Use Permit to operate a large collocated communication facility to serve a variety of wireless service providers, and a Site Development Permit to exceed the Clairemont Mesa Height Limit Overlay Zone. The project site is located at 5252 Balboa Avenue, at the intersection of Balboa Avenue and Genesee Avenue, in the Clairemont Mesa Community Plan Area.

The project would consist of a maximum of 76 communication antennas and the associated electronic equipment cabinets on the roof of an existing, 123-foot high, commercial office building. The types of antennas include directional (panel) antennas, omni (whip) antennas and dish (satellite) antennas. The equipment cabinets would be located behind screening elements on the roof or within the interior of the existing mechanical shelters.

FISCAL IMPACT: None.

Ewell/Christiansen/JPH

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15303(3).

ADOPTION AGENDA, HEARINGS
SPECIAL HEARINGS:

ITEM-331: Two actions related to the Formation of Community Facilities District No. 3- Liberty Station (Companion Item to Redevelopment Agency).

(See City Manager Report CMR-02-096. Peninsula Community Planning Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1282)

Resolution of Intention to establish Community Facilities District No. 3 (Liberty Station) and improvement areas therein, to authorize the levy of special taxes to pay the costs of acquiring or constructing certain facilities and expenses of the district and to pay debt service on bonded indebtedness and approving a purchase and financing agreement.

Subitem-B: (R-2002-1283)

Resolution of Intention to incur bonded indebtedness within Community Facilities District No. 3 (Liberty Station).

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-332: Nob Hill Place.

Matter of approving, conditionally approving, modifying or denying an application for a -1) Community Plan Amendment (Uptown) to redesignate an easterly portion of a 40,000 square-foot site (0.92-acre) from Residential Density 3 to Residential Density 5; 2) Rezone of an easterly portion of the site from NP-3 (Neighborhood Professional) to NP-1, within the Mid-City Communities Planned District; 3) Site Development Permit to construct a multi-story, 51-unit apartment complex on the easterly portion of the site (adjacent to First Ave.), and to construct six (6) multi-story row homes (single-family residential) on the westerly portion of the site (adjacent to Front St.); and 4) Tentative Map to allow for sale of the row homes as condominiums. The demolition of an existing office building is included. The property is addressed as 2320 First Avenue, and located north of Juniper St., south of Kalmia St., east of Front St. and west of First Ave. The property is legally described as Lots D, E, F, G, H, I, J and K in Block 266 of Horton's Addition, according to Map by L.L. Locking, and is located within the Airport Approach Overlay Zone (AAOZ).

(See City Managers Report CMR No. 02-099. CPA/RZ/SDP/MCD/ TPM-41-0464. Uptown Community Plan area. District 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; introduce the ordinance in subitem C, adopt the resolution in Subitem D to grant the permit, and adopt the resolution in Subitem E to grant the map:

Subitem-A: (R-2002-1452)

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 41-0464, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.),

that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Nob Hill condominium development.

Subitem-B: (R-2002-1453)

Adoption of a Resolution amending the Uptown Community Plan to become effective

upon City Council adoption of the General Plan Amendment;

Amending the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (O-2002-131)

Introduction of an Ordinance changing 0.57 acres, located within the Uptown Community Plan Area, in the City of San Diego, California, from the NP-3 Zone (Neighborhood Professional, Office and Medium-Density Residential) into the NP-1 Zone (Neighborhood Professional, Office and High-Density Residential), as defined by San Diego Municipal Code section 103.1510; and repealing Ordinance No. O-17306 (New Series), adopted May 30, 1989, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-D: (R-2002-)

Adoption of a Resolution granting or denying Site Development and Mid-City Development (SDP/MCD) Permit No. 41-0464, with appropriate findings to support Council action.

Subitem-E: (R-2002-)

Adoption of a Resolution granting or denying Tentative Parcel Map (TPM) No. 41-0464, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on March 21, 2002, voted 5-0 to approve; no opposition.

Ayes: Stryker, Lettieri, Anderson, Brown, Garcia

Recusing: Butler

Not present: Schultz

The Uptown Community Planning Group has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The project is located in the southern portion of the City block bounded by Kalmia Street, First Avenue, Juniper Street and Front Street within the Uptown Community Plan Area. The site is comprised of two vacant lots on First Avenue, a vacant office building located at the corner of First Avenue and Juniper Street, and a parking lot at the corner of Juniper and Front Streets. The existing office building will be demolished. The site area consists of approximately 0.92-acres (40,000 square-feet) and includes 250 feet of frontage on First Avenue, 200 feet of frontage on Juniper Street, and 150 feet of frontage on Front Street.

The site is located within the Mid-City Communities Planned District (MCCPD) and is divided into two zones. The 25,000 square-foot easterly portion of the site is zoned NP-3 (Neighborhood Professional) which allows a residential density of one unit per 1,500 square-feet of parcel area.

FISCAL IMPACT:

All costs associated with the processing of this application are recovered from a deposit account funded by the applicant.

Ewell/Christiansen/WCT

LEGAL DESCRIPTION:

The project site is located in the southern portion of the city block bound by Kalmia Street, First Avenue, Juniper Street, and Front Street in the Uptown Community Planning Area and is more particularly described as Lots D, E, F, G, H & I of Block 266 of Horton's Addition; and Parcel +2, Map No. 18651.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-350:

SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review. Therefore, the City Clerk's Office has established the following administrative guidelines for the November 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/24/02	165	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/5/02	153	Rules Committee review of ballot proposals
Monday	6/17/02	141	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	6/24/02	134	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	through 7/22/02	to 106	
Monday	7/29/02	99	Council adopts ordinances prepared by City Attorney
Friday	8/09/02	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/22/02	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, 533-4025.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT